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#4  
BOX MISSING PARTS  
PATENT  
2119-0107P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: CLARK, Rodney, HAMMER, Jay and KARPINSKY, John

Serial No.: 09/049,121

Group: 2872

Filed: March 27, 1998

Examiner: Unassigned

For: VERTICAL COMB DRIVE ACTUATED DEFORMABLE MIRROR DEVICE  
AND METHOD

**THIS IS NOT A NEW PATENT APPLICATION**

LETTER SUBMITTING DOCUMENTS  
FOR COMPLETION OF AN APPLICATION  
PURSUANT TO 37 C.F.R. § 1.53(f)

Assistant Commissioner for Patents  
Washington, DC 20231

June 29, 1998

Sir:

The application papers for the above-identified application were originally filed on March 27, 1998 and the application was assigned Serial No. 09/049,121.

☐ Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration of the inventor(s) (☐ original ☐ photocopy), necessary for completing the filing requirements in connection with the above-identified application.

☒ Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration which was attached to the specification at the time of execution. The attached specification is a true copy of the specification which was filed in the U.S.

Patent and Trademark office on March 27, 1998, including any amendments thereto (if applicable) filed on even date therewith.

X The undersigned hereby declares that "Attorney Docket No. 2119-0107P" on page 1 of the inventors' Declaration, filed on June 29, 1998, corresponds to Application Serial No. 09/049,121, filed March 27, 1998 entitled "VERTICAL COMB DRIVE ACTUATED DEFORMABLE MIRROR DEVICE AND METHOD".

   Attached are        sheet(s) of formal drawings.

X Attached is a copy of Form PTO-1533.

The Government Filing Surcharge (37 C.F.R. § 1.16(e)) and the basic Government Filing Fee (37 C.F.R. § 1.16(a)-(d)) (if applicable) is attached hereto and calculated as follows:

X Filing Fee \$395.00

X Surcharge (Large Entity - \$130.00)  
(Small Entity - \$ 65.00)

X Attached hereto is the Verified Statement Claiming Small Entity Status (X original    photocopy).

X Submitted concurrently herewith **under separate cover** for recording is an Assignment.

If necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$460.00 is attached hereto.

X A check in the amount of \$460.00 to cover the basic filing fee, surcharge fee and any extension of time fees (if applicable) is enclosed.

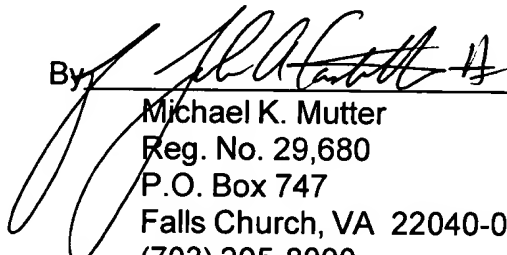
   Please charge Deposit Account No. 02-2448 in the amount of \$ \_\_\_\_\_. A triplicate copy of this transmittal form is enclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

 35,094  
Michael K. Mutter  
Reg. No. 29,680  
P.O. Box 747  
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MKM:gms  
2119-0107P

Attachments

07/10/1998 LSNEED 00000070 09049121

01 FC:205  
02 FC:201

65.00 DP  
395.00 DP



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/049,121	03/27/98	CLARK	R 2119-107P

BIRCH STEWART KOLASCH & BIRCH  
MICHAEL K MUTTER  
8110 GATEHOUSE RD  
SUITE 500 EAST  
FALLS CHURCH VA 22042

0232/0429

NOT ASSIGNED

2872

DATE MAILED: 04/29/98

### NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 790.

☒ 1. The statutory basic filing fee is:

- ☒ missing.  
☐ insufficient.

Applicant must submit \$ 790 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

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